



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304249
Applicant Name: Anne Beeman for Barry Dahlbeck
Address of Proposal: 115 37th Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 41 square foot addition to the first floor, and a 937 square foot addition to the second floor of an existing non-conforming single family residence. Project includes a 165 square foot addition to an existing garage and attaching it to the single family residence. Project also includes the addition of a 102.5 square foot front porch.

The following approvals are required:

Variance - To allow portion of principal structure to extend into the required front yard in a single family zone. Seattle Municipal Code 23.44.014(A)

Variance - To allow portion of principal structure to extend into the required rear yard in a single family zone. Seattle Municipal Code 23.44.014(B)

Variance - To allow the expansion of nonconforming structure in a single family zone. Seattle Municipal Code 23.42.112(A)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

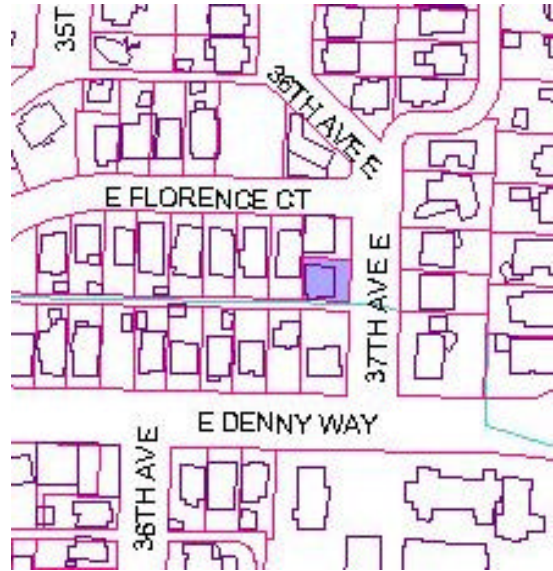
 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

* Project revised to include front porch addition on June 3, 2004

BACKGROUND DATA

Site Description

The subject lot is approximately 2,883 square feet in area and located in the Madison Valley neighborhood. The lot is nearly square in shape (50' X 57.66') that fronts along 37th Avenue East to the east and along an alley to the south. The development site is located on the south half of platted Lot 23, Block 6, within the Waddell's Madrona Park Addition. The property is considered undersized within the designated Residential, Single-Family 5000 zone (SF 5000). There are no other outstanding zoning characteristics in this expansive residential neighborhood.



The site is currently developed with a modest one-story single-family residence (built in 1909) that features a detached garage structure located at the development site's southeast corner, abutting the alley and 37th Avenue East right-of-way. Access to parking within the garage is taken from the 37th Avenue East right-of-way. Adjacent to the garage's north façade is a mature pine tree that will be removed to accommodate site redevelopment. The site slopes abruptly upwards within the first 7 feet from 37th Avenue East and then levels out. The single family house sits approximately 5 feet above the sidewalk grade. The front bank is landscaped with vines and other low growing vegetation. The single family structure is approximately 3.4 feet away from its rear (west) property boundary line, 6 feet from the alley, 14 feet from its north property boundary line, and 22 feet from the front (east) property boundary line. 37th Avenue East is a quiet residential street that connects to East Denny Way to the south.

The immediate vicinity is zoned for Single Family residential development (SF 5000 and SF 7200 zones). A small Neighborhood Commercial One zone with a thirty foot height limit (NC1-30) occupies an area approximately 12,500 square feet to the southwest of the development site along East Denny Way. The area is developed primarily with single and two-story single family residences in a mix of architectural styles. This is a well entrenched residential neighborhood populated with older housing stock and mature street trees. The vicinity appears to be a quiet, moderately populated community. To the south across East Denny Way, a moderately sized private school (Epiphany School) is nestled into this neighborhood. This particular area's street system features a mix of curvilinear and traditional right-angled streets. In this neighborhood the topographic conditions place the subject site near a plateau that slopes downward to the east, west, and north in this neighborhood.

Proposal Description

The applicant has proposed to add a second story addition above an existing structure's footprint and expand outward along a portion of the front façade just outside the required front yard. The single family structure is currently a nonconforming structure with regards to being sited on a lot within the rear yard setback area. The required rear yard at the development site is 11.5 feet. The existing structure is located approximately 3.4 feet from the rear property line. The ground floor level of the residential structure will be remodeled and expanded but will not encroach into the required yards. The second story addition is proposed above the ground floor's footprint with an addition along the front façade. The existing nonconforming covered porch with stairs located in the required front yard is proposed to be expanded and relocated along the front façade. Additionally, the detached garage structure would be rebuilt and expanded to accommodate a standard sized vehicle with modest storage area. The new remodeled garage will be attached to the remodeled single family structure. Included in the development proposal will be re-landscaping that entails the removal of the pine tree in the front yard to accommodate the expansion of the garage structure.

Public Comment

Date of Notice of Application:	June 3, 2004
Date End of Comment Period:	June 16, 2004*
# Letters	0
Issues:	No comment letters were received for this project.

* Initially, notification of the project to the public commenced on January 15, 2004 and ended on January 28, 2004. The re-notification language more accurately captured the full extent of the development proposal which included front porch expansion.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.*

The development site is located on the south half of platted Lot 23, Block 6, within the Waddell's Madrona Park Addition in a single family zone. The development site comprises a land area of approximately 2,883 square feet, well below the standardized 5,000 square foot required land area for this residential neighborhood. Platted Lot 23 was segregated into two parcels back in 1909 by then owners, Louis and Anna Thomas. Since that time the properties have remained under separate ownerships with each site developed with single family residences. Within the vicinity, other than the north half of Lot 23 the neighboring properties are

mostly fully developed platted lots with larger land areas. The existing house and detached garage was constructed shortly after the Thomas' acquired the property in 1909, at a time when there were no zoning codes regulating placement of residential structures on private property within the city limits of Seattle. The undersized development site, as measured against neighboring parcels and by today's zoning standards, is considered small and out of scale within the surrounding area.

As mentioned earlier, the lot is roughly square in shape, comprising an area of approximately 2,883 square feet. The minimum required lot area for this single family zone is 5,000 square feet, which places the subject site 2,117 square feet below the minimum requirement. The existing one story residential structure with basement occupies an area of approximately 938 square feet and is sited towards the parcel's southwest corner. The existing single family residential front facade is located approximately 22 feet from the front property line, 3.4 feet from the rear, 6 feet from the south (side yard abutting alley), and 14 feet from the north (side yard) property boundary lines. The existing (14' X 6') front porch is approximately 17 feet away from the front property boundary line. The single family structure is projecting into the (11.5') required rear yard and thus creating a nonconforming condition by today's standards. The front porch is nonconforming with regards to length of encroachment within front yard. The existing detached garage (16' - 4" X 9' - 10") is abutting the southeast corner of the subject lot with vehicle access obtained through 37th Avenue East. The garage is a nonconforming accessory structure in the required front yard.

Most other properties in the vicinity are substantially larger in land area than the subject site, and appear to enjoy larger structural footprints. This unusual condition of an undersized lot in this neighborhood is not typical, but similar conditions can be found throughout the City of Seattle. A handful of residential development sites have undersized conditions similar to the subject site in the vicinity. A common occurrence on undersized lots is the historic placement of residential structures which creates non-conforming conditions under the current code related to depth of yards and lot coverage, as was found at the few sites in the vicinity. The proposed second story expansion will enable the current owner additional habitable space that would be in keeping with surrounding properties.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.*

The owner of the subject lot is proposing to add a second story addition above the existing footprint with a two foot expansion beyond the existing front facade up to the required front yard. As discussed previously, the location of the house is approximately 3.4 feet from the rear property line. The owner would be deprived of additional habitable space if the upper floor were setback 11.5 feet from the rear property line. The owner is requesting to take advantage of the existing footprint in the rear yard to create a façade that is consistent with other single family residential structures in the vicinity. Most of the neighboring properties enjoy the benefits and privileges of nicely crafted homes with subtle architectural features on larger lots. Other existing residential structures on small lots in the area enjoy moderate size houses with non-conforming yards. The owner's proposed expansion falls well within the long established neighborhood architectural vernacular.

Covered front porches with stair access can be found throughout the vicinity and would be considered typical. The subject site is approximately half the depth of most lots in the area and applying required yards development standards creates significant obstacles to future development with the existing site conditions. The existing nonconforming covered front porch is proposed to be expanded and relocated to accommodate the attached garage and new entry into the residential structure. The proposed porch will not be out of scale for the surrounding neighborhood and is designed to enhance the historical character of the existing house which will be preserved architecturally in the remodel. The internal layout of the first floor remodel relocates access into and out of the residential unit, which necessitates the porch relocation.

Remodeling and attaching the existing garage will create a condition of having the principal structure encroach into the required front yard. The bulk of the garage will increase marginally in the front yard which should be minimally noticeable when compared to the existing conditions at the development site. The proposed one car garage will allow a standard sized vehicle room to accommodate movement around door opening areas and a storage area for miscellaneous items typically found within residential garages. To accommodate storage area within the garage and reduce the appearance of bulk the garage would be extended and attached to the existing residential structure. The maximum height of the remodeled garage is proposed to be 8.8 feet above grade at the garage entry. To allow this variance would not represent a grant of special privilege because it would not be out of scale with other existing single family residences in the vicinity.

Therefore, the requested variance would not go beyond the minimum necessary to afford relief and would not constitute a grant of special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone and vicinity. The proposed second story addition above the existing first floor footprint with a two foot expansion up to the front yard setback, front porch relocation and expansion, and attachment and expansion of the garage structure would result in marginal impacts in the 37th Avenue East right-of-way and to a lesser degree upon the surrounding vicinity. The bulk and scale of the proposed remodel and expansion would be in keeping with development along the street frontage and would not create additional negative visual impacts upon the surrounding properties. The property abutting the rear yard has an existing single family house that is approximately 4 feet from the shared property line. Approximately 11 feet of the 34 foot wide subject structure aligns (facing facades) with this neighboring structure. Of that 11 feet overlap, only 5 feet is situated approximately 8 feet away, while the remaining 6 feet maintains a nearly 12 foot separation between facing facades. The second story addition does not pose a significant presence upon this neighboring two story structure. By granting the requested variance the owner would be able to fully utilize increased living space for modern lifestyles with marginal impacts on neighboring properties.

Therefore, granting this variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties.*

The literal interpretation and strict application of the Land Use Code would require that the second story addition would be required to set back an additional 8.1 feet from the rear property boundary line. The porch would be required to stay in the same configuration and would not be allowed to expand in a manner that increases the extent of the existing nonconforming. The detached garage would be allowed to be rebuilt but again would be prohibited from expanding and attaching to the existing residential structure. Few options are available and feasible to the owner to develop an undersized lot.

With a lot depth of just 57.7 feet and the site location of the existing structures, to literally apply the Land Use Code would achieve a structure that for all practical purposes would be functionally lacking. Stepping the upper level an additional 8.1 feet from the lower wall above window openings is somewhat workable but creates structural design challenges that does not lend well to functionality. The remodeled functional first floor requires relocation of front entry into the house. The existing covered porch would be modestly expanded and relocated to continue use of said space to enjoy social interactions with neighbors that provides a safe haven to enjoy the outdoors. By limiting the existing 1909 one car garage to its current square footage would require the owner to access a standard size vehicle by squeezing through a partially opened driver's side door. Visually, the existing detached garage appears to be attached to the residential structure, and to be deprived of attaching said garage would limit storage and access space that would benefit the functional use of its interior space. It would cause the owners practical difficulties to deprive them of the expansion proposal as designed.

Therefore, the literal interpretation of the requirements of the Land Use Code would result in undue hardship or practical difficulties for the applicant.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Single family zones are the heart of our City, where human interactions on residential blocks are enhanced by attractive and active streetscapes that are impacted by the bulk and scale of the housing stock. The spirit and purpose of the Land Use Code provides for preservation and maintenance of the physical characteristics of single-family neighborhoods. This well entrenched residential neighborhood with its architectural mix of structures and number of mature trees creates a sense of calm and intimacy. It is the responsibility of the City to preserve and protect areas which are currently in predominantly single-family residential use. The existing single family residence with detached garage is in keeping with what would typify the character of the residential uses in single family zones and the surrounding area. The establishment of a single family use at the subject site occurred in 1909 on the south half of a fully platted lot. At the time of construction the City of Seattle had not adopted Land Use Codes

to regulate development. In recognizing the importance of protecting life, health, and safety of its residential population the city enacted the Land Use Code. It is further accepted that the city encourages home ownership and use of private property with proscriptions in an ever changing world. The single family section within the Land Use Code contemplates expansion of non-conforming structures but sets limitations of applicability that do not contemplate situations where the lot is significantly undersized and of shallow lot depth. In certain circumstances the Land Use Code allows for additional relief when existing conditions fall outside identified thresholds, which is the subject of this review. The fact that the Land Use Code sanctions a variance process to afford relief under unusual conditions is evident that within the City of Seattle private property owners within the single family zone are able to seek relief when existing conditions prove cumbersome.

Seattle's Comprehensive Plan allows for the development of detached single family dwellings in single family areas that are compatible with the existing pattern of development and the character of each single family neighborhood. One stated goal (LG 40) is to, "Preserve and protect areas, which are currently in predominantly single-family residential use and are large enough to maintain the sense of low-density residential environment, as single-family neighborhoods." As was noted previously, surrounding properties enjoy larger residential footprints with accessory parking throughout neighboring properties and other single family zones. The proposed bulk and scale of the expansion would be in keeping with the pattern of more prominent lots and meets the bulk and siting provisions in single family zones. Furthermore, the Comprehensive Plan supports non-conforming structures to remain, but not to expand so as to increase non-conformity, except in limited circumstances. The owner is seeking a land use regulated variance to expand an existing non-conforming residential structure to meet the challenges of altering a non-conforming structure on a very undersized lot. The granting of the variance will not adversely affect the physical characteristics or use of the surrounding neighborhood, with the remodel and expansion of a single family residence to the subject development site.

Therefore, granting the requested variance would be consistent with the spirit and purpose of Land Use Code regulations for the area.

DECISION - VARIANCE

The proposed variance to remodel and expand an existing nonconforming residential structure that includes porch and garage expansion, at 115 37th Avenue East is **Approved**.

Signature: (signature on file) Date: July 8, 2004
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services